

NATIONAL SCIENCE FOUNDATION

2415 Eisenhower Avenue
Alexandria, Virginia 22314

AUG 21 2019



OFFICE OF THE
GENERAL COUNSEL

Via email

Case #19-203F

Ms. Beryl Lipton
MuckRock Foundation
411A Highland Avenue
Somerville, Massachusetts 02144
70850-72189098@requests.muckrock.com

Dear Ms. Lipton:

This letter is the final response to your Freedom of Information Act (FOIA) request that the National Science Foundation (NSF) received on May 20, 2019. In your request on behalf of the MuckRock Foundation, you sought a copy of the following records related to the funding, staffing, and activities of the NSF FOIA Office:

1. Budget materials for the years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and response to FOIA requests and appeals submitted to this Bureau and its offices;
2. Staffing orders/reports/contacts for the years 2017 and 2018, staffing reports and plans, including the count of employee numbers and for offices responsible for processing and responses to FOIA requests and appeals submitted to this Bureau and its offices;
3. All staffing reports and plans for the year 2019;
4. Contact information, including email addresses and phone numbers (if available), for each FOIA officer currently tasked with an open public records request;

5. FOIA requester categories for the years 2017 and 2018, the designated category of each requester of a FOIA request to this office;
6. FOIA fee waivers for the years 2017 and 2018, the number of fee waivers granted by this office and, if available, the tracking numbers for the FOIA requests to which waivers were granted; and
7. FOIA fee collection for the years 2017 and 2018.

For items 1, 2, 4, 6, and 7, the most detailed information for these items are publicly available in the NSF Annual FOIA Reports located at: https://www.nsf.gov/policies/foia_annual_reports.jsp. More precisely, section IX satisfies items 1 and 2. Section II—Agency Components has the contact information requested in item 4. Section XI.A is responsive to item 6, and section VIII.B contains the information for item 7.

For the remaining items and subitems not contained in the Annual FOIA Reports, no further responsive records were located. A record must have been created or obtained by NSF and under the control of NSF at the time of the request to be subject to the FOIA. NSF has no obligation under the FOIA to create, compile or obtain a record to satisfy a FOIA request.

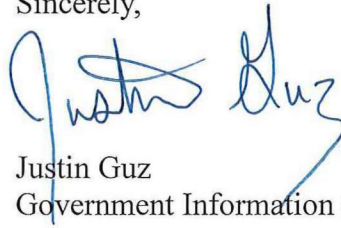
Your right of administrative appeal is set forth in Section 612.9 of the NSF FOIA regulation (copy enclosed). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

If you need any further assistance or would like to discuss any aspect of your request, please do not hesitate to contact our FOIA Public Liaison at 703-292-2289. Additionally, you may contact the Office of Government Information Services (OGIS) which was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

National Archives and Records Administration
Office of Government Information Services
8601 Adelphi Road - OGIS
College Park, Maryland 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

There is no fee for FOIA services in this instance in accordance with 5 U.S.C. § 552(a)(4)(A)(i) et seq. Thank you for your interest in the National Science Foundation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin Guz", with a stylized flourish extending from the end.

Justin Guz
Government Information Specialist

Enclosure

§ 612.9 Appeals.

- (a) Appeals of denials. You may appeal a denial of your request to the General Counsel, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, VA 22230. You must make your appeal in writing and it must be received by the Office of the General Counsel within ninety days of the receipt of the denial (weekends, legal holidays, and the date of receipt excluded). Clearly mark your appeal letter and the envelope "Freedom of Information Act Appeal." Your appeal letter must include a copy of your written request and the denial together with any written argument you wish to submit.
- (b) Responses to appeals. A written decision on your appeal will be made by the General Counsel. A decision affirming an adverse determination in whole or in part will contain a statement of the reason(s) for the affirmance, including any FOIA exemption(s) applied, and will inform you of the FOIA provisions for court review of the decision. If the adverse determination is reversed or modified on appeal, in whole or in part, you will be notified in a written decision and your request will be reprocessed in accordance with that appeal decision.
- (c) When appeal is required. If you wish to seek review by a court of any denial, you must first appeal it under this section.